

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MISTY LYNN HENRY,

Defendant.

CR 19–44–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on September 12, 2019. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).


Judge Cavan recommended this Court accept Misty Lynn Henry’s guilty

plea after Henry appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to possession of methamphetamine with intent to distribute in violation of 21 U.S.C. § 841(a)(1) as charged in Count II of the Indictment.

I find no clear error in Judge Cavan's Findings and Recommendation (Doc. 79), and I adopt them in full.

Accordingly, IT IS ORDERED that Misty Lynn Henry's motion to change plea (Doc. 63) is GRANTED and Misty Lynn Henry is adjudged guilty as charged in the Indictment.

DATED this 27th day of September, 2019.



Dana L. Christensen, Chief District Judge
United States District Court